

#176-16

I.A., on behalf of minor children, Ju.D., G.D., :
Jo.D., AND M.D.,

PETITIONER,

V.

COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE
TOWN OF WESTFIELD, UNION COUNTY, :

RESPONDENT.

DECISION

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his grandchildren in September 2015, seeking a determination that the children reside with him in Westfield and are eligible for continued attendance in the township's school district. The respondent Board's answer to the petition indicated that the District had provisionally granted permission for petitioner to enroll the children in Westfield schools. The matter was transmitted to the Office of Administrative Law (OAL) in October 2015, and a hearing was scheduled for April 6, 2016. Petitioner failed to appear at the scheduled hearing. Having received no explanation from petitioner for his failure to appear, the OAL returned the file to the Commissioner.

Upon review, the Commissioner found that this matter is no longer deemed to be a contested case before the Commissioner, and dismissed the petition.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

May 6, 2016

OAL DKT. NO. EDU 17354-15
AGENCY DKT. NO. 244-9/15

I.A., on behalf of minor children, Ju.D., G.D., :
Jo.D., AND M.D., :
PETITIONER,
:
V. : COMMISSIONER OF EDUCATION
:
BOARD OF EDUCATION OF THE : DECISION
TOWN OF WESTFIELD, UNION COUNTY, :
RESPONDENT. :

The record of this matter – transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-14.4*, and including an advisement of petitioner’s failure to appear at the scheduled April 6, 2016 OAL hearing – has been reviewed. Petitioner filed no explanation for his failure to appear, notwithstanding the opportunity to do so. Accordingly, this matter is no longer deemed to be a contested case before the Commissioner and is hereby dismissed with prejudice.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: May 6, 2016
Date of Mailing: May 9, 2016

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).